

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

RICKY A. CARTER,

Plaintiff,

vs.

LYNN PITTMAN,
JANA CARIE, and
ROB JEFFREYS,

Defendants.

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) Case No. 3:19-cv-1173-GCS
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ORDER

SISON, Magistrate Judge:

This matter is before the Court on Lynn Pittman's motion to set aside entry of default (Doc. 42). On May 7, 2020, Pittman's waiver of service was returned executed with an answer due June 29, 2020 (Doc. 32). Pittman did not file a responsive pleading by that date. Accordingly, the Clerk of the Court entered default against Pittman (Doc. 38) and the Court instructed Plaintiff to file a motion for default judgment by July 29, 2020 (Doc. 36). Pittman filed the motion to set aside entry of default on July 9, 2020.

Pursuant to Fed. R. Civ. Proc. 55(c), "[t]he court may set aside an entry of default for good cause." "In order to vacate an entry of default the moving party must show: 1) good cause for default, 2) quick action to correct it, and 3) [a] meritorious defense to plaintiff's complaint." *Pretzel & Stouffer v. Imperial Adjusters, Inc.*, 28 F.3d 42, 45 (7th Cir. 1994); *Cracco v. Vitran Express, Inc.*, 559 F.3d 625, 630-631 (7th Cir. 2009). The standard for

setting aside an entry of default is the same as that for setting aside a default judgment, but is applied more liberally. *See Cracco*, 559 F.3d at 631.

Defendant acted quickly to resolve the issue as counsel filed a motion to set aside the default the day *after* the Clerk's entry of default was filed (Doc. 42). Given that defaults are disfavored and the standard for vacating an entry of default is liberally applied, the Court finds that Pittman has met the requirements of Rule 55(c) and **GRANTS** the motion to set aside entry of default (Doc. 42). Further, the Court **ALLOWS** Pittman seven days from the entry of this Order to respond to the complaint. Lastly, the Court **DENIES** as **moot** Carter's motion for default judgment (Doc. 46).

IT IS SO ORDERED.

Date: July 13, 2020.

 Digitally signed by
Magistrate Judge
Gilbert C. Sison
Date: 2020.07.13
12:00:59 -05'00'



GILBERT C. SISON
United States Magistrate Judge